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Message Text

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44
ACTION EB-11

INFO OCT-01 EUR-25 EA-11 ISO-00 LOC-01 COME-00 CU-04 PA-03

PRS-01 USIA-15 CIAE-00 INR-10 NSAE-00 RSC-01 L-03

DRC-01 /087 W
---------- 074047
R 110848Z OCT 73
FM AMEMBASSY MANILA
TO SECSTATE WASHDC 8536
INFO AMEMBASSY CANBERRA
AMEMBASSY LONDON
AMEMBASSY OTTAWA

UNCLAS MANILA 11570

E.O. 11652: N/A
TAGS: EIND, US, RP
SUBJ: PHILIPPINE COPYRIGHT PROTECTION

REF: A) MANILA 10247 B) MANILA 10577

1. COMMITTEE ESTABLISHED BY PRESIDENTIAL DECREE 285 (REF A) TO OVERSEE REPRINTING OF BOOKS MET OCTOBER 5 WITH PHILIPPINE PUBLISHERS. AT MEETING COPIES OF IMPLEMENTING RESOLUTION WERE ISSUED AND PUBLISHERS QUESTIONS ANSWERED. RESOLUTION WAS AMENDED TO MAKE EFFECTIVE DATE OCTOBER 5.

2. RESOLUTION PROVIDES FOR REPRINTING IN PHILIPPINES OF ANY EDUCATIONAL, SCIENTIFIC OR CULTURAL BOOKS OR WRITTEN MATERIAL WITHOUT REGARD TO ORIGIN OF WORK IF RETAIL PRICE IS MORE THAN TWENTY PESOS. REPRINTING MAY BE UNDERTAKEN BY GOVERNMENT OR ANY PRIVATE PRINTER. RESOLUTION REQUIRES PAYMENT OF THREE PERCENT (OF GROSS SALES) ROYALTY IN PESOS TO AUTHOR, PUBLISHER OR COPYRIGHT PROPRIETOR. IN CASE OF NON-RESIDENTS, PAYMENT TO BE MADE IN PHILIPPINES TO COPYRIGHT HOLDER OR AUTHORIZED REPRESENTATIVE.

3. WHEN QUESTION OF INTERNATIONAL AGREEMENTS CAME UP, NEDA
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DIRGEN SICAT ANSWERED THAT PHILIPPINE SECRETARY OF JUSTICE

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HAD ISSUED OPINION THAT SINCE PD 285 APPLIED EQUALLY TO PHILIPPINE AND FOREIGN AUTHORS THERE WAS NO CONFLICT WITH ANY TREATY OR AGREEMENT.

4. FOLLOWING IS FULL TEXT OF IMPLEMENTING RESOLUTION: QUOTE RESOLUTION IMPLEMENTING PRESIDENTIAL DECREE NO. 285,

"AUTHORIZING THE COMPULSORY LICENSING OR REPRINTING OF EDUCATIONAL, SCIENTIFIC OR CULTURAL BOOKS AND MATERIALS AS A TEMPORARY OR EMERGENCY MEASURE WHENEVER THE PRICES THEREOF BECOME SO EXORBITANT AS TO BE DETRIMENTAL TO THE NATIONAL INTEREST".

THE COMMITTEE COMPRISING, THE SECRETARY OF EDUCATION AND CULTURE, THE DIRECTOR-GENERAL OF THE NATIONAL ECONOMIC AND DEVELOPMENT AUTHORITY AND THE CHAIRMAN OF THE MEDIA ADVISORY COUNCIL HEREBY ADOPTS THE FOLLOWING RESOLUTION IN IMPLEMENTATION OF PRESIDENTIAL DECREE NO. 285:

SECTION 1. IT IS HEREBY DECLARED THAT ANY EDUCATIONAL, SCIENTIFIC OR CULTURAL BOOK OR OTHER WRITTEN MATERIAL, WHETHER OF DOMESTIC OR FOREIGN ORIGIN, SELLING OR TO BE SOLD ABOVE THE CURRENT OR PROSPECTIVE RETAIL PRICE OF TWENTY PESOS (P20.00) IS EXORBITANT. CONSEQUENTLY SAID BOOK OR MATERIAL MAY BE REPRINTED BY THE GOVERNMENT OR BY ANY NATURAL OR JURIDICAL PERSON UNDER AUTHORITY OF PRESIDENTIAL DECREE NO. 285 IN ORDER TO MAKE THE SAME AVAILABLE AT A COST SUBSTANTIALLY LOWER THAN THE ORIGINALLY QUOTED PRICE.

SECTION 2. ANY PERSON DESIRING TO REPRINT SHALL COMPLY WITH THE FOLLOWING CONDITIONS:

A) THE REPRINTING SHALL BE MADE IN ACCORDANCE WITH THE FOLLOWING PRESCRIBED FORMAT:

1. IN THE MIDDLE PORTION OF THE BACK OF WHAT IS TECHNICALLY KNOWN AS THE "HALF-TITLE

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PAGE" (WHICH IS ACTUALLY THE LEFT OF, OR PRECEDING OR OPPOSITE THE TITLE PAGE), THE NAME AND COMPLETE MAILING ADJCESS OKTHE REPRINTER SHALL APPEAR ACCORDING TO THE FOLLOWING TYPE AND SIZE OF TYPE, FOR EXAMPLE, AS FOLLOWS:

REPRINTED UNDER AUTHORITY
OF PRESIDENTIAL DECREE

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NO. 285 BY (10 PTS. ITALICS)

ABC PRINTING CO. (12 PTS. ROMAN, ALL CAP.)
123 ABAKADA AVENUE ( )
STA. CRUZ, MANILA (10 PTS. ROMAN)
PHILIPPINES ( )

2. ON THE LOWER PORTION OF THE SAME PAGE, THE FOLLOWING INSCRIPTION SHALL BE PRINTED IN BOX AND IN 14 PTS. ROMAN, WITH THE BORDERLINE IN 4 PTS., AS FOLLOWS:

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:                                 :
: EXPORT OF THIS BOOK FROM THE    :
: PHILIPPINES PUNISHABLE BY LAW   :
:                                 :
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IF THE MATERIAL REPRINTED IS NOT A BOOK BUT SOMETHING ELSE, THE WORD "BOOK" MAY BE REPLACED BY THE WORD "MATERIAL" IN THE BOX;

3. ON THE TITLE PAGE, THE TITLE PAGE OF THE ORIGINAL WORK SHALL BE REPRODUCED AS GIVEN. IF THE BOOK OR MATERIAL, AS REPRINTED, IS ABBREVIATED OR EDITED, SUCH FACT SHALL BE STATED;

4. THE BACK OR REVERSE SIDE OF THE TITLE PAGE SHALL CONTAIN THE FOLLOWING:

A. NAME AND ADDRESS OF THE ORIGINAL
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PUBLISHER FROM WHICH THE REPRINT VERSION IS TAKEN.

B) ALL PERSONS REPRINTING BOOKS OR MATERIALS PURSUANT TO PRESIDENTIAL DECREE NO. 285 SHALL KEEP A RECORD INDICATING THE TITLE OF THE BOOKS AND MATERIALS REPRINTED, THE NUMBER OF COPIES REPRINTED AND SOLD, ROGETHER WITH GROSS SELLING PRICES THEREOF.

C) THE REPRINTER SHALL PAY, IN LOCAL CURRENCY, A ROYALTY OF THREE PER CENT (3 PERCENT) OF THE GROSS PROCEEDS OF THE SALE OF THE REPRINTED BOOK OR MATERIAL, IF SO DEMANDED BY THE AUTHORS, PUBLISHERS OR COPYRIGHT PROPRIETORS CONCERNED, WHOEVER IS LEGALLY

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ENTITLED THERETO: PROVIDED, THAT IN THE CASE OF NON-RESIDENT AUTHORS, PUBLISHERS OR COPYRIGHT PROPRIETORS, PAYMENT OF THE ROYALTIES SHALL BE MADE ONLY TO THEM PERSONALLY IN THE PHILIPPINES OR TO THEIR DULY AUTHORIZED REPRESENTATIVE OR BRANCH OFFICE IN THE PHILIPPINES.

D) NO BOOK OR MATERIAL REPRINTED PURSUANT TO PRESIDENTIAL DECREE NO. 285 SHALL BE EXPORTED FROM THE PHILIPPINES AND FOR PURPOSES OF THE DECREE, ANY SALE OF SUCH REPRINTED BOOK OR MATERIAL TO A FOREIGNER IN EXCESS OF PERSONAL USE SHALL BE CONSIDERED AN EXPORT THEREOF.

SECTION 3. THIS RESOLUTION TAKES EFFECT IMMEDIATELY UPON PUBLICATION.

MANILA, SEPTEMBER 20, 1973. UNQUOTE

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Message Attributes

Automatic Decaptioning: X
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Copy: SINGLE
Draft Date: 11 OCT 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: MANILA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19731038/aaaabcdq.tel
Line Count: 189
Locator: TEXT ON-LINE
Office: ACTION EB
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Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
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Reference: A) MANILA 10247 B) MANILA 10577
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Review Authority: thigpegh
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Review Transfer Date:
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